

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,  
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN  
KINGSTON and UNITED LIQUORS  
LIMITED,  
Defendants.

Civil Action No. 05 11317 NMG

**DEFENDANTS' MOTION TO COMPEL COMPLETE  
AND SUBSTANTIVE RESPONSES TO DISCOVERY**

Defendants, United Liquors Limited, Peter Tsickritzis and Kevin Kingston ("Defendants"), hereby move pursuant to Fed. R. Civ. P. 37(a) and Local Rule 37.1 for an order compelling Plaintiff, Bienvenido I. Lugo Marchant ("Plaintiff"), to provide: (1) complete and substantive responses to Interrogatory Nos. 1-3 and 5-15 of the First Set of Interrogatories Propounded By Defendants to Plaintiff; (2) complete and substantive responses to Defendants' First Set of Requests For Production of Documents of Defendants To Plaintiff, Bienvenido I. Lugo Marchant; and (3) documents responsive to Defendants' first set of requests for documents.

As grounds for their motion, Defendants state that after failing to respond to Defendants' discovery requests served on January 6, 2006 until after Defendants' filing of their March 3, 2006 Defendants' Motion To Compel Responses To Outstanding Discovery, Plaintiff provided no substantive responses and no responsive documents. Accordingly, a second motion is necessary to compel appropriate responses. Defendants submit a memorandum and the Affidavit of Joan Ackerstein in support of this motion.

**LOCAL RULES 7.1(A)(2) and 37.1 CERTIFICATION**

Counsel for Defendants, Joan Ackerstein, hereby certifies that on March 15, 2006, she wrote to Plaintiff and asked him to call her so that they could discuss Plaintiff's discovery responses. To date, Plaintiff has not responded to the March 15, 2006 letter in any way. Accordingly, the issues have not been narrowed.

Respectfully submitted,

UNITED LIQUORS LIMITED,  
PETER TSICKRITZIS and KEVIN KINGSTON  
By their attorneys,

/s/ Joan Ackerstein

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Dated: April 3, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2006, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Heather L. Stepler

Jackson Lewis LLP